

1 THE HONORABLE RICARDO S. MARTINEZ
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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF WASHINGTON

10 AT SEATTLE

11 UTHERVERSE GAMING LLC,

Case No. 2:21-cv-00799-RSM

12 Plaintiff,

**JOINT [[PROPOSED]] VOIR DIRE
QUESTIONS**

13 v.

14 EPIC GAMES, INC.,

15 Defendant.

16
17 Plaintiff Utherverse Gaming LLC (“Utherverse Gaming”) and Defendant Epic Games, Inc.
18 (“Epic Games”) submit the following proposed voir dire questions in accordance with the Court’s
19 Order Setting Trial Date and Related Dates. ECF No. 433. These questions are intended to
20 supplement and operate in tandem with those in the Western District of Washington’s standard
21 juror qualification questionnaire to (1) enable the Court to determine whether any prospective juror
22 should be excused for cause; and (2) enable counsel for the parties to appropriately exercise
23 peremptory challenges.

24 **PROPOSED VOIR DIRE QUESTIONS**

25 1. This trial will begin Monday, May 12th and is expected to last up to five days, concluding
26 on Friday, May 16th. The trial will be timed and the attorneys must complete their presentations
to the jury within the five days. It is possible, however, that jury deliberations may require you to

1 be here longer than the scheduled number of trial days. Our trial days will run from approximately
 2 9:00 a.m. to 4:15 p.m. While the court and the attorneys will each do their best to adhere to this
 3 schedule, it is possible the time and dates of certain trial proceedings may need to be adjusted.

4 *Does this schedule present a particular problem or hardship to you?*

5

6 2. The Plaintiff in this case is Utherverse Gaming LLC. Utherverse Gaming brought this
 7 lawsuit against Defendant Epic Games, Inc. Utherverse Gaming alleges that Epic Games infringed
 8 one of Utherverse Gaming's patents by using the methods of one or more of the claims in that
 9 patent when Epic Games created and implemented certain virtual events in Epic Games'
 10 multiplayer online video game Fortnite, namely those involving the music artists Ariana Grande
 11 and Travis Scott. Epic Games denies that it has infringed that patent. Epic Games in turn alleges
 12 that the patent's claims are invalid.

13 a. *Are you familiar with any of the parties in this action? If so, in what way?*

14 b. *Have you heard or read about either party in the news or online?*

15 c. *Have you heard or read anything about this lawsuit before today?*

16

17 3. The law firms and attorneys representing the parties are as follows:

18 **LEXLUMINA**

19 Mark Lemley

20

21 **MOORE & VAN ALLEN**

22 Kathryn Gusmer Cole

23

24 Mark Wilson

25

26 **MORRISON FOERSTER**

 Sara Doudar

 Daralyn Durie



1 Ramsey Fisher
2 Katherine McNutt
3 Tim Saulsbury
4 Eric Wiener
5

6 **PERKINS COIE**

7 Christina McCullough
8 Antoine McNamara
9 Stevan Stark
10

11 **POLSINELLI, PC**

12 Mark Deming
13 Iqra Iqbal
14 Emily McNally
15 Jonathan Spivey
16 Colby Springer
17 Melenie Van
18 Miya Yusa
19

20 **TURNER, BOYD, & SERAPHINE**

21 Bethany Bengfort

22 a. *Are you familiar with any of the attorneys or law firms?*
23 b. *If yes, who and how are you familiar with them?*

24
25 4. Certain individuals are currently expected to offer testimony on behalf of one or more of
26 the parties. Please note that it is possible that one or more of these individuals ultimately may not

1 testify or could possibly offer testimony by way of video. The jury should not infer anything from
2 any such decision or manner of presenting testimony in any way. The witnesses are as follows:

3 Dr. Craig Rosenberg

4 David Crane

5 Michele Riley

6 Benjamin Ellinger

7 Lauren Kindler

8 Brian Shuster

9 Aaron Burch

10 David Cohen

11 Peter Axt

12 Mark Imbriaco

13 Matt Weissinger

14 Brian Boyle

15 Christopher Greenhalgh

16 James Yen

17 a. *Are you familiar with any of these potential witnesses?*

18 b. *If yes, who and how are you familiar with them?*

19
20 5. Are you familiar with any other prospective juror here today?

21 a. How do you know each other?

22 b. Would that relationship affect your ability to fairly and independently
23 consider and evaluate the evidence presented in this case?

24
25 6. Have you previously served as a juror?

26 If yes,

a. Was your previous jury service in a criminal or civil case?



1 b. Were you the foreperson?
 2 c. Did that jury reach a verdict?
 3 d. Was there anything about that experience that would affect your ability to
 4 render a fair and impartial verdict if you are selected as a juror in this case?

5
 6 7. Are you familiar with any other lawsuit involving Utherverse Gaming? What about Epic
 7 Games?

8
 9 8. Plaintiff Utherverse Gaming acquired the patent at issue in this case from Canadian entity
 10 Utherverse Digital, Inc. based in Vancouver, British Columbia. The inventors both have Canadian
 11 citizenship. Utherverse Digital, Inc. is not a party in this lawsuit nor are the inventors, although
 12 you will likely hear testimony from those inventors as part of this case.

13 a. Are you familiar with Utherverse Digital, Inc?
 14 b. Are you familiar with or have you used any of Utherverse Digital, Inc.'s
 15 offerings such as Red Light Center, the Virtual World Web, Curio, or
 16 Xaeon?
 17 c. Do you hold any beliefs or opinions that might affect your ability to render
 18 a fair and impartial verdict given that the patent in question was acquired
 19 from a Canadian company?
 20 d. Do you hold any beliefs or opinions that might affect your ability to render
 21 a fair and impartial verdict given that the patent in question involves two
 22 name inventors that are Canadian?

23
 24 9. This case is related to virtual spaces and multiplayer online video gaming technology.
 25 a. Do you hold any beliefs or opinions that pertain to shared or interactive
 26 online technology and virtual worlds including but not limited to video

1 games, such as Fortnite, that might affect your ability to render a fair and
2 impartial verdict?

3 b. Are you or any close family member or friend employed by or otherwise
4 involved in the computer software industry?

5 c. Are you or any close family member or friend employed by or otherwise
6 involved in the video gaming industry?

7 d. Do you have any degree, training, or professional experience in designing,
8 programming, or producing video games, virtual worlds, or other related
9 areas?

10 e. Do you or any close family member or friend play multiplayer online video
11 games?

12 f. Do you or any close family member or friend play the video game Fortnite?

13 g. If yes, have you or any close family member or friend participated in any
14 online virtual events in Fortnite?

15 h. If yes, did you or any close family member or friend attend the Ariana
16 Grande or Travis Scott virtual events, specifically?

17 i. Have you or any close member or friend ever had a negative experience
18 with any online videogames including Fortnite?

19
20 10. Do your or any close family member or friend have any experience with the United States
21 patent laws, patent system, or the United States Patent and Trademark Office? What about
22 copyright or trademark law?

23
24 11. Have you or any close family member or friend ever applied for or received a patent for an
25 invention?

1 12. Have you or any close family member or friend ever been affected by a patent lawsuit
2 including a suit against or otherwise involving your employer?

3
4 13. Do you have any strong opinions regarding lawsuits related to the protection or
5 enforcement of intellectual property rights that would affect your ability to render a fair and
6 impartial verdict if you are selected as a juror in this case?

7
8 14. Have you or any close family member or friend ever been involved in a lawsuit, either as
9 the party suing, the party being sued, or as a witness?

10
11 15. Do you or any close family member or friend have any experience with or opinions about
12 lawsuits in general that might keep you from being a fair and impartial juror in this case?

13
14 16. Have you ever had an experience in which you believe someone took credit for an idea of
15 yours without your permission?

16
17 17. Have you or any close family member or friend ever had any experience with the legal
18 system that might keep you from being a fair and impartial juror?

19
20 18. Do you have any religious, philosophical, ethical, or other belief that would prevent you
21 from deciding liability and/or awarding money damages in this case?

22
23 19. If you are selected as a juror in this case, you must follow the Court's instructions on the
24 law and determine the facts according to the law even if you do not agree with the law. Are you
25 unable or unwilling to follow the Court's instructions regarding the law?

1 20. Is there any other matter that you believe should be called to the Court's attention as having
2 some bearing upon your qualifications or ability to sit as a juror, or that you think may prevent you
3 from rendering a fair and impartial verdict based solely upon the evidence and the Court's
4 instructions as to the law? This includes anything relating to any of my previous questions.

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2 DATED this 21st day of April, 2025
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Respectfully submitted,

5 /s/ Emily C. McNally

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26 Respectfully submitted,

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